

Remarks

Reconsideration of this application is respectfully requested.

Upon entry of the foregoing amendments, claims 6-24 are pending in the application.

Claims 1-5 are canceled without prejudice to or disclaimer of the subject matter therein. Claims 6-24 introduce no new matter and entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and that they be withdrawn. References to the specification contained herein refer to the originally filed application.

Description of the Invention:

The present invention is a teaching aid for fast-pitch softball pitchers. In its simplest form, the invention is a padded rectangular parallelepiped that attaches to a belt and is worn around the user's hip or waist (See Figures 2-3). The construction is further described in the application as filed and consists of an "L" shaped member (page 8, lines 5-6) with the padding affixed between the legs of the "L" (page 9, lines 12-13). The belt can be attached to through a cut out in one leg of the "L", the siding (page 8, line 16-17), in such a way that, when attached to the user, the other leg, the backing, is between the user and the belt (page 8, lines 15-16). Additional padding can be placed on the backing as a pad against the users body (page 9, lines 11-12, Fig. 3) and a cover, for example a leather cover, can be placed around the entire apparatus (page 9, lines 14-16).

In use, the belt is strapped to the user and the padded parallelepiped is positioned so that, as a pitch is thrown, the user's forearm contact the pad when the forearm is in fully stretched

(page 7, lines 17-18). At this point, the user's wrist is free to "snap" in the proper position for throwing a pitch (page 7, lines 16-18). The dimensions of the parallelepiped reinforce the proper arm position near the body (page 7, line 20). That is, because the pad extends only about sixteen centimeters for the body, the arm must be kept close to the body in order to contact the box (page 8, line 21 – page 9, line 1). The invention can be used by right-handed or left-handed pitchers by inverting it such that the pad is on the opposite side. As a result, the invention assists in teaching (1) full arm extension, (2) proper position of the arm with respect to the body, (3) proper release point, and (4) wrist snap.

Objections to the Drawings:

In the June 30, 2003, Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) because the drawings did not show every feature specified in the claims. In response, Applicant have added new Figure 4 which shows the leather cover and new Figure 5 which shows the manner in which the device is secured to the hip. As described in the specification, the leather cover covers the foam and the L-shaped member as depicted in new Figure 4. The manner in which the device is secured to the hip is shown in Figure 5 and supported by the specification at, for example, page 9, line 5, originally filed claim 1, and page 7, lines 17-20. These parts of the specification, when considered together, describe the positioning of the device around the hip of a pitcher and in such a position that the forearm of the pitcher hits the protruding section of the device when the pitcher's arm is fully extended. Accordingly, entry of these new figures is respectfully requested.

The June 20, 2003 Office Action also objects to the drawings under 37 C.F.R.

§ 1.84(p)(4), alleging that it is unclear from the drawings which reference characters have been used to designate the various parts. The drawings were also objected to under 37 C.F.R.

§ 1.83(a) alleging that the drawings failed to show the correct relationship between the various parts of the invention.

In response to these objections, Applicant has proposed drawing amendments that more clearly show the relationship of the parts. The marked up copies of the original drawings submitted herewith make it clear that the various parts of the invention were clearly described. In particular, Figure 1 has been amended primarily by deleting the dashed lines which delineate the outline of the foam pad when attached to the L-shaped member. The drawing is also now shown in a slightly different perspective in order to clarify the structural features. Figure 2 has been divided into two new Figures 2 and 3. New Figure 2 shows more clearly the relationship of the foam pad that is between the arms of the L-shaped member. New Figure 3 shows the pad backing, the pad which is attached to the backing piece of the L-shaped member. New Figure 4 shows the invention with the leather cover. As clearly described in the specification, the leather cover simply encloses the padding and the L-shaped member as it is attached to the belt. Support for Figure 5 is described above.

In addition to clarifying the figures, reference numerals have been revised so that the device as described in the specification is more clearly reflected in the Figures.

Applicant submits that these drawing changes add no new matter and thus requests that the objections to the drawings be withdrawn and the new drawings entered.

Amendment to the disclosure:

The disclosure has been amended to more clearly follow accepted a U.S. practice. Applicant notes that the Examiner has suggested including headings with no relevant text following and indicating "not applicable" after that heading. However, Applicant submits that this is not required by 37 C.F.R. § 1.77, and that the inapplicable heading can simply be omitted from the specification.

As to the content of the specification, some of the text in the application as originally filed has been rearranged in order to conform with the content specified by the Examiner. For example, text in the description of the prior art, which clearly describes the use and structure of the present invention, has been moved to the summary of the invention. The section originally entitled "Background of the Invention" has been re-designated as the "Summary of the Invention" consistent with practice. The brief description of the drawings has been corrected to conform with U.S. practice. In addition, to the text of the claims as originally filed has been incorporated into the Summary of the Invention.

The amendments to the specification are predominately simple rearrangements rather than addition of text. Therefore, it is submitted that no new matter has been added. Accordingly, entry of this substitute specification is respectfully requested.

Applicant further notes that reference to the trademark VELCRO has been changed to a more generic description of a hook and loop attachment. Additional informalities noted by the Examiner have also been corrected. For example, English units have been added parenthetically after the metric measurements.

Claim Objections:

The above amendments to the claims put the claims in proper form and should be acceptable to the Examiner. With respect to item 10 on page 8 of the Office Action, Applicant notes that the claims as originally filed indicate that the protruding arm is the plastic siding. Because the claims as originally filed form part of the specification, adequate support for the term protruding arm exists. For clarity, the specification has been amended to clearly indicate that the plastic siding referred to is equivalent to the "protruding arm."

In addition to the objections above, the Examiner rejected the claims under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, alleging that they contain subject matter not contained in the specification. Applicant again notes that the claims as originally filed form part of the specification (see 35 U.S.C. § 112 second paragraph "the specification shall conclude with one or more claims"). Thus, the amendment to the description to insert certain claim terms from the originally filed claims is acceptable.

The Examiner also rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, as being non-enabling. In addition, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as being narrative in form and therefore indefinite.

Because the claims have been rewritten, Applicant respectfully submits that all of these rejections have been overcome and request that they be withdrawn.

Applicant further notes that the claims have been amended to comply with form and standards of practice. No change in claim scope is intended by these amendments.

Rejections under 35 U.S.C. § 102.

In the Office Action, the Examiner rejected various claims under 35 U.S.C. § 102(b) in view of a number of references. Applicant respectfully submits that, because the claims have been amended to a more formal form, these rejections are moot. Therefore, rather than addressing each rejection in terms of the claims as originally filed, Applicant summarizes below differences between the presently claimed invention and the references cited by the Examiner.

U.S. Patent No. 5,403,002 to Brunty

The Examiner indicates that Brunty discloses a protruding arm or plastic siding which protrudes away from the body to provide a blocking point for a pitcher's forearm. However, Applicant notes that the structure of Brunty is fundamentally different than the presently claimed structure. In particular, there is no L-shaped backing and, to the extent that Brunty discloses a belt attached to a piece of plastic, its positioning with respect to the plastic backing is different than that of the presently claimed invention. Furthermore, Applicant points out that, at column 1 line 35, it is described that the device "restricts the passer or pitcher from releasing a football or baseball with a overextended or fully extended arm." Applicant submit that this is not equivalent to providing a blocking point. Furthermore, preventing extension of the arm differs from the use of the present invention, which requires extension of the arm. For at least these reasons, Brunty can not anticipate the present invention.

U.S. Patent No. 4,984,789 to Socci

Again, the amended claims clearly point out the numerous structural differences between Socci and the present invention. Among other things, the present invention is adopted to be

fitted to the user's waist rather than his upper arm as in Socci.

U.S. Patent No. 5,390,929 to Todaro

Again, the structure of the apparatus described by Todaro is fundamentally different from the present invention. In particular, the presently claimed invention utilizes a protruding arm that is positioned to extend directly from the hip of the user; position of the cut out results in the structure extending directly from the belt. In contrast, the structure of Todaro requires an extending member which includes at least three independent sections. See, for example, column 3, lines 56-64. Furthermore, the purpose of these three sections is to hold the device above the wearer's waist (column 3, line 50). As a result, the structure described by Todaro contacts the user's upper arm when in use (See FIGS. 7A and 8A) rather than the user's forearm. Thus, this device contains fundamental structural differences from the presently claimed apparatus.

U.S. Patent No. 6,428,421 to Halfacre

The device shown by Halfacre is again different from the presently claimed invention. In particular, the device of Halfacre is arranged to be worn on the waist and thigh of the user. The protruding members are specifically located at the belt which is attached to the user's thigh. Thus, the protruding member of Halfacre does not extend from the belt worn around the user's waist, but is much lower. As a result, the protruding arms in the device of Halfacre contact the user at the hands. (See FIG. 5) As described in the present specification, the present invention is designed to contact a user's forearm. For at least these reasons, Halfacre can not anticipate the presently claimed invention and the rejection should be withdrawn.

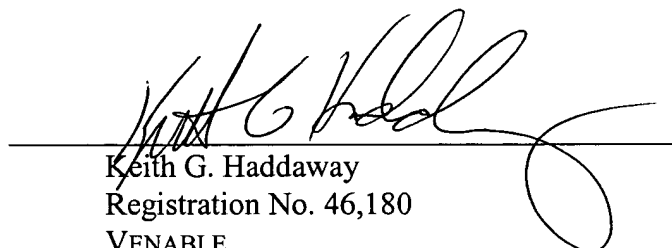
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that claims 6-24 be allowed and the application passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

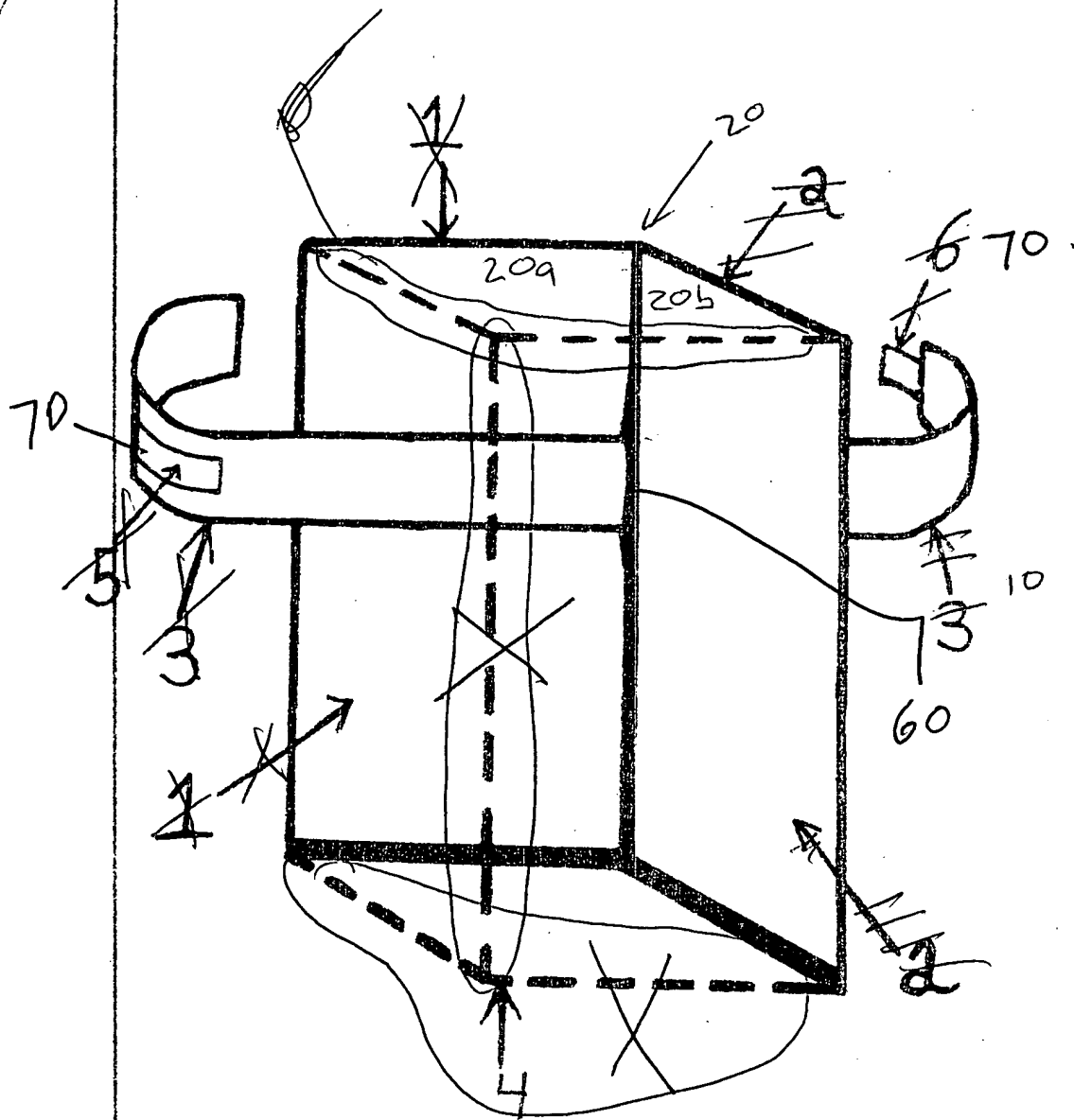
Dated: November 20, 2003
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APPENDIX

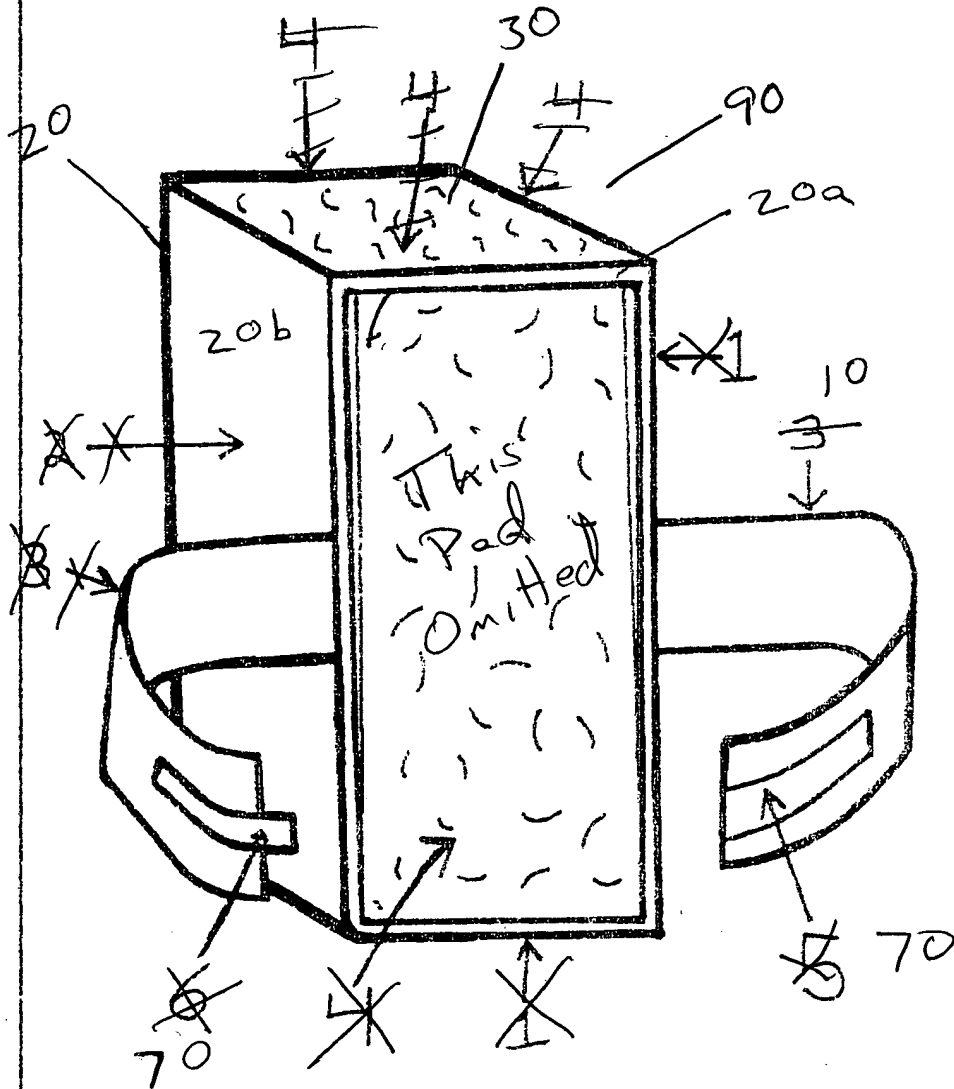
The attached sheets of drawings include new Figures 1 to 5, which replace original drawing sheets including Figs. 1-3. Applicants herewith submit drawings Figures 1 to 5 for the Examiner's approval.





2 of 3

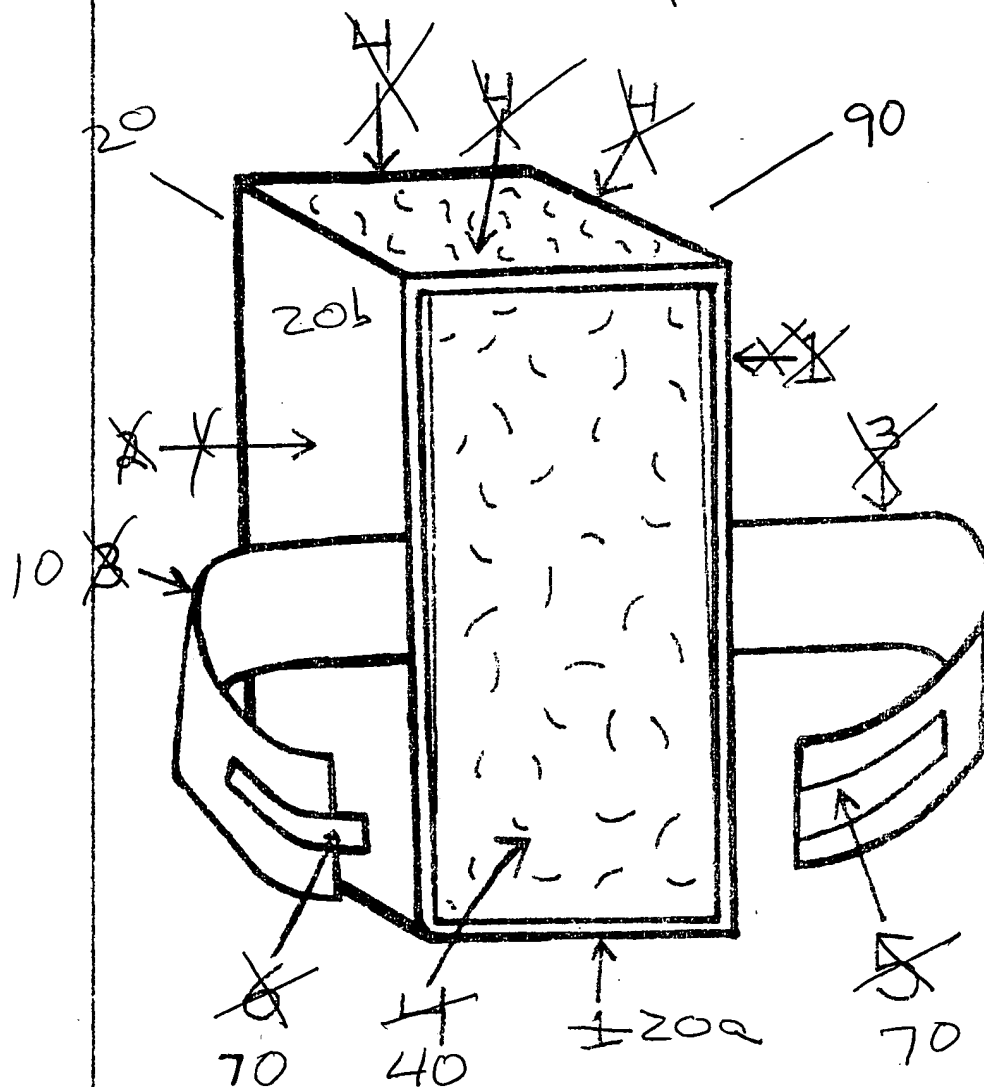
Charges for New FIG 2





2 of 3

Changes for
New FIG 3



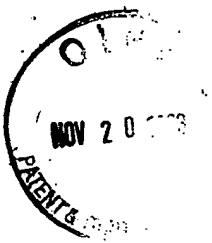
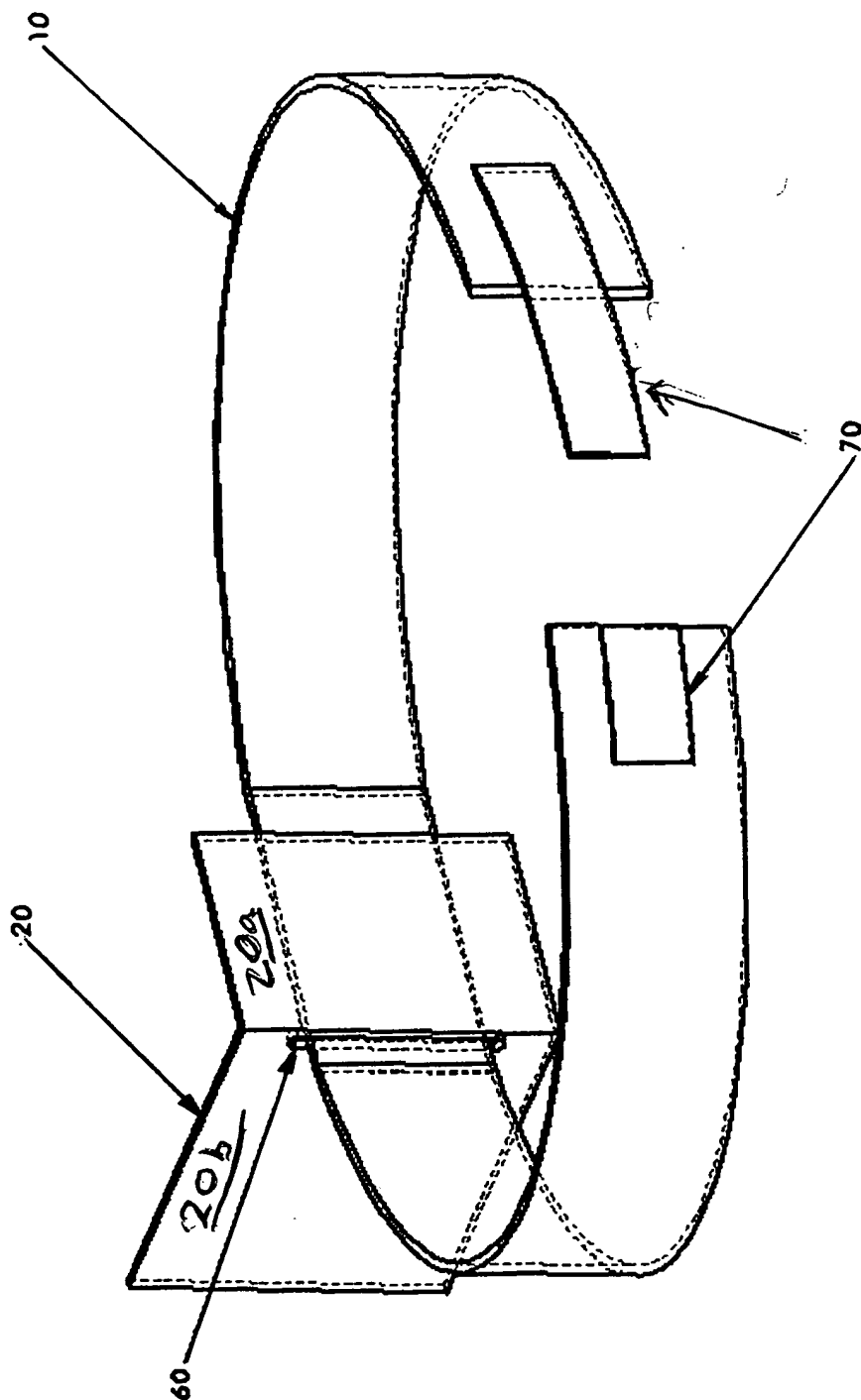


FIG. 1



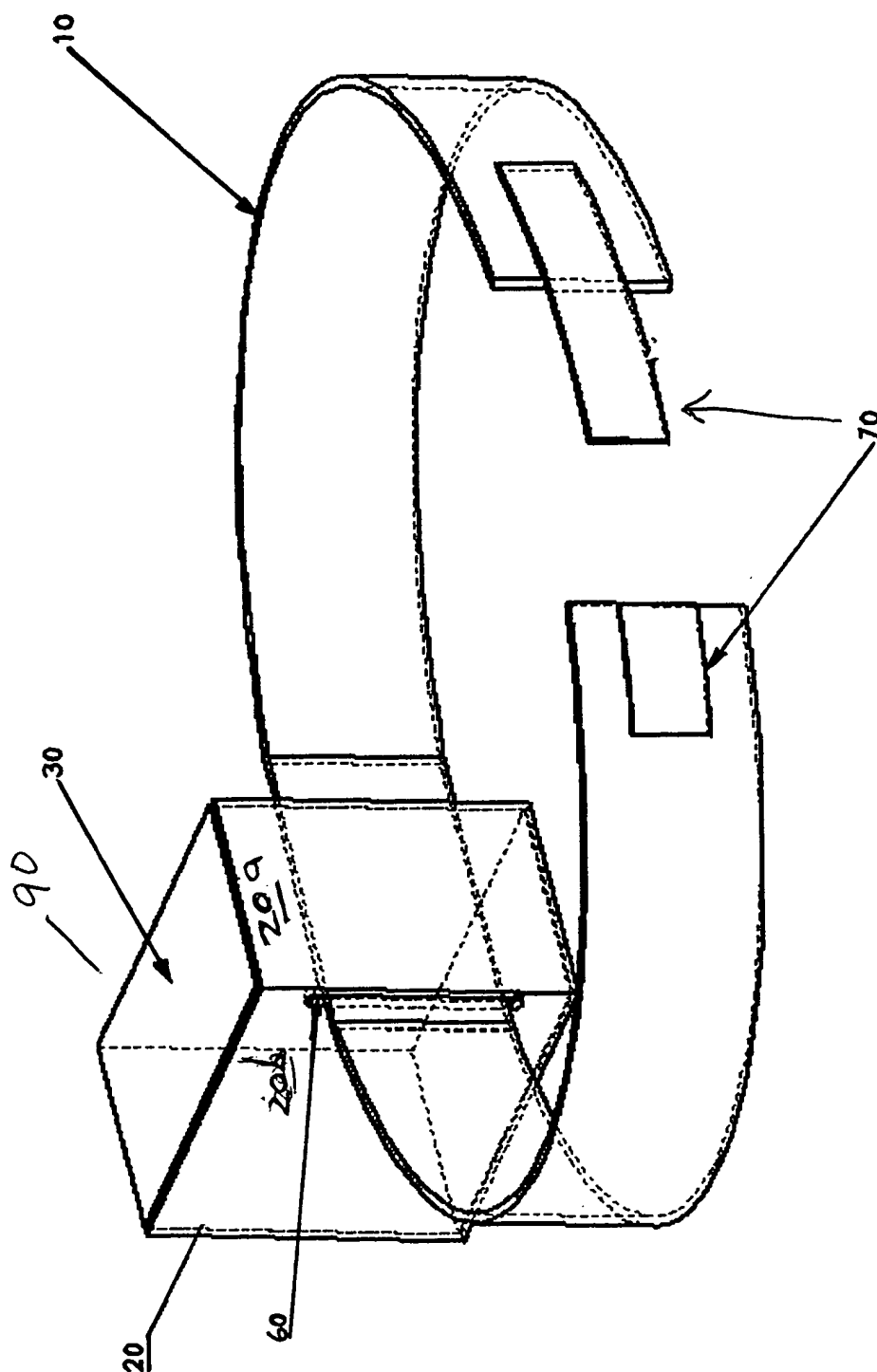
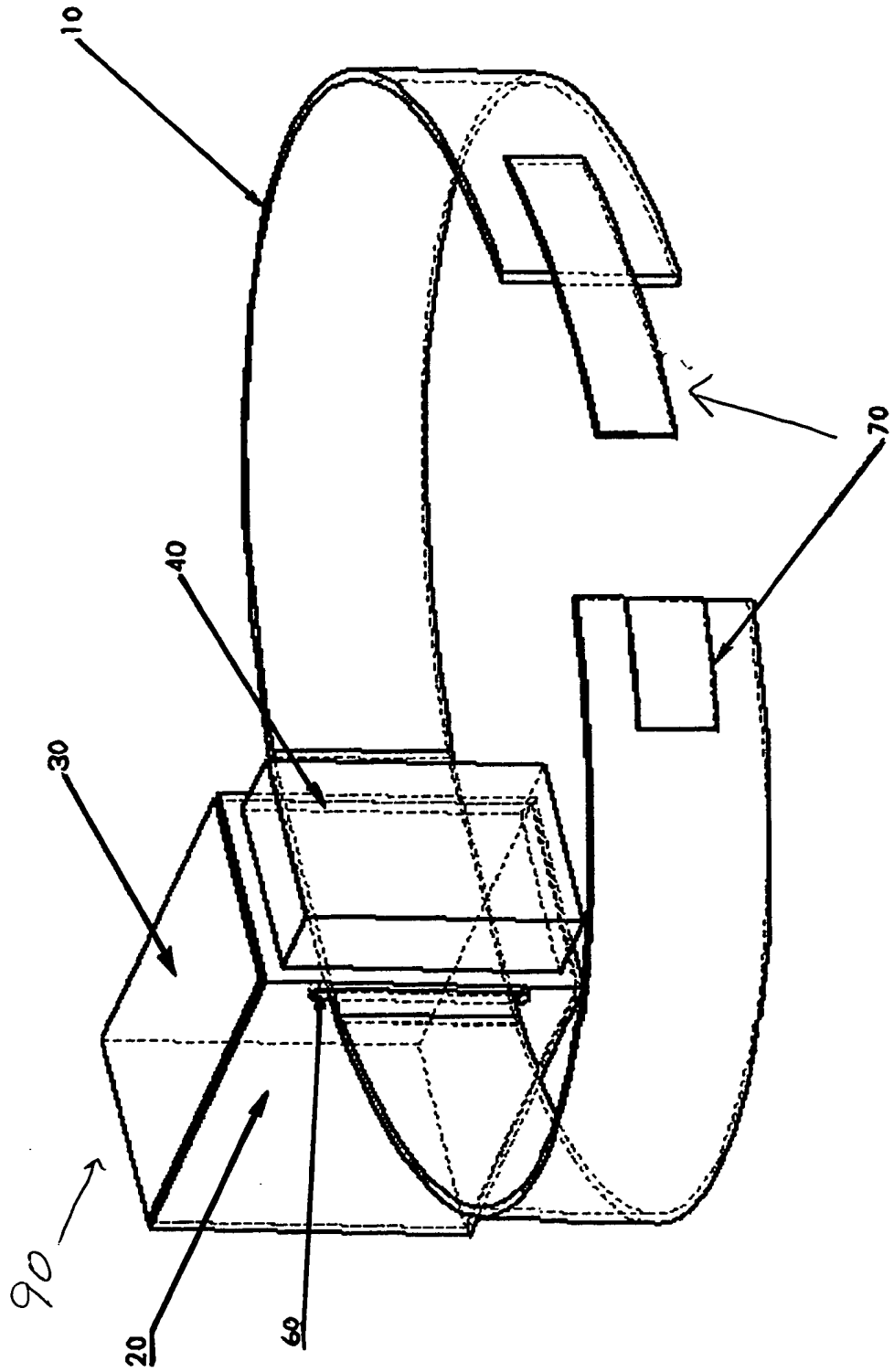




FIG. 3



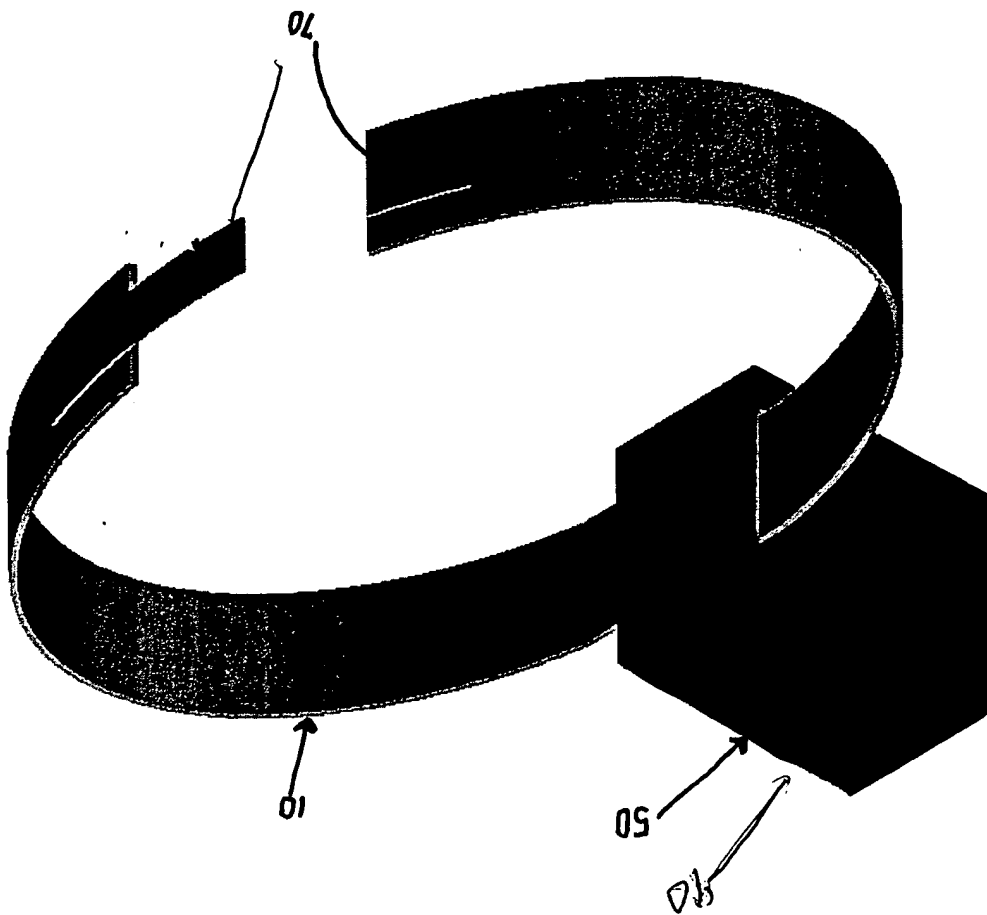


FIG. 4





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian Patrick O'HARA

Appl. No.: 10/067,729

Confirmation No.: 7195

Filed: February 7, 2002

For: FAST-PITCH SOFTBALL PITCHING
TUTOR

Group Art Unit: 3711

Examiner: Mitra ARYANPOUR

Atty. Docket No. : 42676-197939

Customer No.

26694

PATENT TRADEMARK OFFICE

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Marked Up Copy of Specification Under 37 C.F.R. § 1.125 (b)(2)

~~"TITLE OF INVENTION"~~ **FAST-PITCH SOFTBALL PITCHING TUTOR**

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~~"Fast-pitch softball pitching tutor"~~

~~"CROSS REFERENCE TO RELATED APPLICATIONS"~~

~~"Not Applicable"~~

~~“STATEMENT OF FEDERALLY SPONSORED RESEARCH/DEVELOPMENT”~~

~~“Not Applicable”~~

~~"REFERENCE TO A MICROFICHE APPENDIX"~~

~~"Not Applicable"~~

~~"FIELD OF~~BACKGROUND OF THE INVENTION"

Field Of Invention

[0001] ~~The field of endeavor in which the "Pitching Tutor" pertains to is softball.~~
~~The subject matter of the "Pitching Tutor" is~~invention is a softball pitching teacher.
More particularly, the invention is an apparatus used for softball pitchers to correct systematic errors and to teach pitchers the basic fundamentals of pitching. ~~This~~The device helps the accuracy of a pitch and to help conquer the every day struggles a pitcher encounters.

"DESCRIPTION OF PRIOR ART"

Description Of Related Art

[0002] There are basic steps a pitcher learns as he/she begins pitching; these steps are the foundation of being an elite softball pitcher. The basic fundamentals of pitching consists of a straight arm circle (no bending of the elbow), release by the hip, and--most importantly--wrist snap that is released against the body. These necessary steps are a daily struggle to perfect throughout a pitcher's softball career. The "Pitching Tutor" will enhance a pitcher's ability to correct and master these necessary fundamentals in his/her pitching career. This device will correct a pitchers straight arm; the "Pitching Tutor" will contact the forearm, stopping the elbow from bending. Secondly, the pitching tutor will correct the release point. The release point should be at the hip and so close to the body that it skims the clothes of the pitcher; many pitchers find this hard to do and will release in front of their hip and far away from their body; the result is a wild pitch. Thirdly, the device focuses on wrist snap. The hardest achievement in softball is the correct wrist snap, with this device the pitcher will learn to snap the wrist correctly due to the blocking of the forearm, which forces a pitcher to snap the wrist to get movement on the ball. The importance of a fast wrist snap is to increase the speed of a pitch; the faster and harder the wrist snap the more spin and the faster the ball goes. By using the "Pitching Tutor" these basic fundamentals can be mastered, this device will open up a window of opportunity for a pitcher to rise above the rest.

"BACKGROUND OF THE INVENTION"

[0003] By using the present invention, these basic fundamentals can be mastered, this device will open up a window of opportunity for a pitcher to rise above the rest.

SUMMARY OF THE INVENTION

[0004] The present invention enhances a pitcher's ability to correct and master the necessary fundamentals in his/her pitching career. This device will correct a pitcher's straight arm; the "Pitching Tutor" will contact the forearm, stopping the elbow from bending. Secondly, the pitching tutor will correct the release point. Thirdly, the device focuses on wrist snap. With this device the pitcher will learn to snap the wrist correctly due to the blocking of the forearm, which forces a pitcher to snap the wrist to get movement on the ball.

[0005] The "Pitching Tutor"invention is an advanced tool for softball pitchers. The function of this tool is to teach beginner pitchers the basic fundamentals of pitching and also to correct common pitching errors. There are several existing problems that occur when pitching which can be solved by using the "Pitching Tutor"present invention. The most common error in pitching is where to release the ball. For instance, a pitcher releases the ball past his/her hips, the ball will go high above the strike zone, but if the ball is released behind his/her hips it will hit the dirt before it reaches the plate. Also, a pitcher often releases the ball away from his/her hip, which will cause the ball will to move far to the right or to the left and most likely hit the batter. Another problem that can be solved using ~~this~~the device of the present invention is the tendency to bend the elbow when releasing the ball. For example, the main part of pitching is the wrist

snap. If the elbow bends when a pitcher's wrist snaps, the ball will have the tendency to be high because the whole arm is lined up above the hip and not at the hip. The advantage of using the "~~Pitching Tutor~~"invention is ~~at~~that the softball pitcher will have the correct form a pitcher needs to be a dominant player on the diamond. This invention will guarantee that the pitcher will have correct wrist snap as he/ she releases the ball and that the elbow will not bend ~~due to~~because the forearm ~~contacting the "Pitching Tutor"~~ which contacts the device and prevents the natural bending of the arm. The "~~Pitching Tutor~~"device will force a pitcher to release close to the body and at the hip; these are basic fundamentals that have to be taught and mastered to excel as a pitcher in softball.

"Fast pitch softball pitching tutor"

"DESCRIPTION OF THE PREFERRED EMBODIMENT"

[0006] The invention includes a protruding arm or plastic siding which protrudes away from the body to provide a blocking point for the pitcher's forearm. The design of the protruding arm enables right and left handers to use the invention. The protruding arm is part of an "L" shaped member that also includes a backing secured to the hip through use of a belt. The structure of the invention enables it to be durable. The invention teaches a softball pitcher to release the ball at the hip, to have accurate wrist snap and to control the bending of the arm.

BRIEF DESCRIPTION OF THE DRAWINGS

[0007] Figure 1 illustrates the L-shaped plastic piece as attached to the belt according to an embodiment of the invention;

[0008] Figure 2 illustrates the position of the padding according to an embodiment of the invention;

[0009] Figure 3 illustrates the position of the smaller padding according to an embodiment of the invention;

[0010] Figure 4 illustrates the leather cover; and

[0011] Figure 5 illustrates an embodiment of the invention in use.

DESCRIPTION OF A PREFERRED EMBODIMENT

[0012] The present invention is a device that can be used as an advanced tool for softball pitchers. The function of the device is to teach beginner pitchers the basic fundamentals of pitching and also to correct common pitching errors. The invention has the advantage that a single size can fit all players. A description of the invention's design illustrates its function.

[0013] ~~————~~ The "Pitching Tutor" is an advanced tool for softball pitchers. The function of the "Pitching Tutor" is to teach beginner pitchers the basic fundamentals of pitching and also to correct common pitching errors. The "Tutor" is one size, which fits all players. A description of the "Pitching Tutor's" design illustrates its function.

~~————~~ The four main materials used to create the "Pitching Tutor" are as followedAs shown in Fiures 1-4, the four components of the device 90 according to the invention are as follows: An "L" shaped plastic piece, 20, which consists of the plastic backing 20a and ~~thea~~ protruding arm or plastic siding 20b. The plastic backing 20a, 1 cm.times. x 8 cm.times. x 16 cm (0.5" x 3.25" x 6.5), rests on the hip. The plastic siding 20b, 1 cm.times. x 13.5-cm.times. x 16 cm (0.5" x 5.25" x 6"), is the part that protrudes away from the plastic backing 20a. The second ~~material~~component is the belt, 10, 0.5 cm.times. x 9 cm.times. x 90 cm (1/8" x 2.25" x 18"), which connects to the plastic "L" shaped piece. ~~The velero which~~ 20. A hook and loop type fastener 70, e.g. VELCRO connects to the belt 10 and is 1/4 cm.times. x 6 cm.times. x 47 cm. (1/8" x 2.25" x 18"). The third ~~part~~component is the foam padding 40 glued to the plastic backing 20a. This is 3 cm.times. x 10 cm.times. x 18 cm. (1.25" x 4" x 7.25"). The foam padding 30 for the plastic siding 20b is 10 cm.times. x 15.5 cm.times. x 18.5 cm. (4" x 6.25 x 7.5"). The last major ~~material~~component is the leather cover, 50, 1/4 cm.times. x 36 cm.times. x 46 cm

($\frac{1}{8}$ " x 14" x 18"), which is wrapped around the entire project for completion.

~~_____ The "Pitching Tutor" consists of four main parts (See diagram). The first and most important part of the invention is the Plastic. The plastic, which is "L" shaped, has a rectangular cut out at the crease of the "L" shape. The "L" shaped plastic is broken down into 2 parts, the plastic backing and the plastic siding. The plastic backing is the horizontal part of "L". The plastic backing is the back of the "Tutor" which rests on the hip of the pitcher. The second part is the plastic siding, which is the vertical part of "L". This piece extends out from the backing at approximately device.~~

[0014] As seen in Figure 1, the "L" shaped plastic piece 20, can include a rectangular cut out 60 at the crease of the "L". As illustrated in Figure 5, the plastic backing 20a is the back of the "Tutor" rests on the hip of the pitcher when in use. The plastic siding 20b, extends out from the backing approximately sixteen centimeters (6.5") long. The plastic siding's 20b purpose is to maintain the pitcher's release of the ball close to the hip (See Figure 5). The two parts of the "L" shaped plastic 20a serve to maintain the shape and durability of the invention.

[0015] Attached to the "L" shaped plastic is the belt 10; a loop and hook fastener 70, e.g. VELCRO, is sewed around the belt 10 to ensure the tightness of the belt around the hip. The belt 10 is slightly smaller in width than the plastic piece 20, and is approximately ninety centimeters (37") long. The belt slides through the rectangular cut out 60, on the inside of the "L" shaped plastic backing 20a. As shown in Figure 5, the belt securely fastens the "Pitching Tutor" to the hip of the user.

[0016] sixteen centimeters long. The plastic siding's purpose is to maintain the pitcher's release of the ball close to the hip. The two parts of the "L" shaped plastic serve to maintain the shape and durability of the invention.

Attached to the "L" shaped plastic is the belt; Velcro is sewed around the belt to ensure the tightness of the belt around the hip. The belt, slightly smaller in width than the plastic piece, is approximately ninety centimeters long. The belt slides through the rectangular cut out, on the inside of the "L" shaped plastic backing. The belt securely fastens the "Pitching Tutor" to the hip.

After the belt 10 and the plastic 20 are securely together, the next step in the process is to add two pieces of foam padding over the main plastic parts. 20, as illustrated in Figures 2 and 3. In doing this process there are two steps. The first step is to glue thea foam pad 40 on the interior and exterior parts of the plastic backing 20a (See Figures 2 and 3). The second step is to glue thea foam pad 30 on the interior of the plastic siding. backing 20a, as shown in Fig. 2. The foam's purpose is to guarantee safety and comfort when the pitcher is's arm contacts the device 90 when releasing the ball into the pitching tutor. The final touch to add to the pitching tutor is the (Figure 5). As shown in Figure 4, a leather cover. The leather cover 50 is wrapped completely around the plastic pieces. device 90. The leather cover 50 ties in the whole product as one components of the device 90 into a unitary piece. It secures the main pieces together for a long lasting "Pitching Tutor".

The Pitching Tutor is an all around problem solver in the pitcher's world. It solves the major imperfections and difficulties of releasing at the hip and right to the hip.

product.

~~"DESCRIPTION OF THE DRAWING"~~

- ~~1. Plastic Backing to insure durability and to guarantee a long lasting "Pitching Tutor".~~
- ~~2. Plastic Siding insures durability while being flexible to guarantee a long lasting "Pitching Tutor".~~
- ~~3. Belt to help provide a snug fit for any player.~~
- ~~4. Foam Pad to provide comfort when used and to insure the users safety.~~
- ~~5. Velcro Landing where the Velcro Strap is connected to provide a more convenient hold.~~
- ~~6. Velcro Strap connected to Velcro Landing to provide a more convenient hold. Leather Cover is placed around the Foam and connected to the Plastic with glue to insure the foam not to move on impact.~~

[0017] The present invention can be used as an all around problem solver in the pitcher's world. It solves the major imperfections and difficulties of releasing at the hip and right to the hip.

Abstract

The "~~Fast Pitch Softball Pitching Tutor~~" is a A new and useful device for pitchers in the game of softball. The "~~Pitching Tutor~~"device is effective in correcting and perfecting the daily problems a pitcher may encounter. The "~~Pitching Tutor's~~" audience ~~relates to the many~~device is useful for people who strive to learn and improve the basic skills of pitching.